

AP/3632
PATENT
Baw

Case Docket No. UNIU56.001AUS
Date: October 26, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : TENMA, et al.
Appl. No. : 10/079,077
Filed : February 19, 2002
For : SUPPORTING DEVICE FOR
NON-AVERAGED FORCE
Examiner : Steven M. Marsh
Group Art Unit : 3632

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 26, 2004

(Date)


Katsuhiro Arai, Reg. No. 43,315

TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

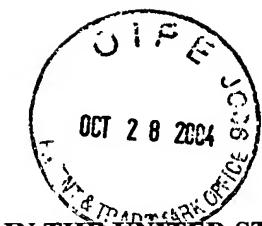
Enclosed for filing in the above-identified application are:

- (X) Communication Letter for Filing Under 37 C.F.R. §1.8(b) in two (2) pages.
- (X) Copies of the certified copies of the Japanese Patent Application Nos. 2001-042868, 2001-301225 and 2001-301292 (filed on February 20, 2001, September 28, 2001 and September 28, 2001 respectively).
- (X) Copies of the stamped return postcard and the transmittal letter mailed on April 30, 2002.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.


Katsuhiro Arai
Registration No. 43,315
Attorney of Record
Customer No. 20,995
(949) 760-0404

UNIU56.001AUS

PATENT



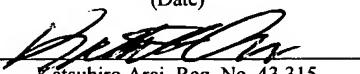
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Katsutoshi TENMA, et al.
App. No. : 10/079,077
Filed : February 19, 2002
For : SUPPORTING DEVICE FOR NON-AVERAGED FORCE
Examiner : Steven M. Marsh

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 26, 2004

(Date)



Katsuhiro Arai, Reg. No. 43,315

FILING UNDER 37 C.F.R. § 1.8(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the voice message of October 25, 2004 from Examiner Steven Marsh regarding the above-identified application. Applicant faxed a Status Letter on September 28, 2004 because no response to the After Final Amendment had been mailed since the Interview Summary of May 4, 2004. In the voice message, the Examiner stated that the 102 rejection was overcome, but he did not receive certified copies of the priority documents although Applicant asserted that the certified copies were filed with the Office and receipt of the copies were evidenced by the stamped return postcard.

Since Applicant has not received a response to the After Final Amendment, Applicant filed a Notice of Appeal and the fourth-month deadline to file an Appeal Brief is October 30, 2004. As shown in the attached copy of the stamped return postcard as *prima facie* evidence (M.P.E.P. 503), certified copies of the three priority documents were presumed to have been received by the Office. Applicant should not be required to re-submit certified copies of the priority documents. Under 37 C.F.R. § 1.8(b), Applicant respectfully requests that the certified copies be considered timely filed without incurring any expenses and exerting further burden on the part of Applicant. As required by 37 C.F.R. § 1.8(b):

(1) In response to the Final Office Action mailed November 4, 2003, which mentioned no certified copies of the priority documents were filed, Applicant informed the Office of the previous mailing of the correspondence in the After Final Amendment mailed April 2, 2004 and provided evidence of the stamped return postcard. Neither the Interview Summary mailed May 4, 2004, nor follow up voice messages indicated that no certified copies of the priority documents had been received. From the voice message of October 25, 2004 from the Examiner, Applicant became aware that no certified copies of the priority documents had been received. On behalf of Applicant, the undersigned immediately called the Examiner and left a voice message to inform him of filing copies of the certified copies of the priority documents under 37 C.F.R. § 1.8(b).

(2) Additional copies of the previously mailed correspondence and certificate are enclosed as listed on the transmittal.

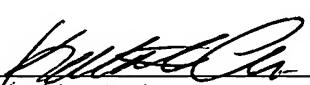
(3) The undersigned hereby attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing. The undersigned further verifies that the attached copies are true and accurate copies of the originals.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: October 26, 2004

By: 

Katsuhiro Arai
Registration No. 43,315
Attorney of Record
Customer No. 20,995
(949) 760-0404

**UTILITY/DESIGN PATENT**DATE: 04/30/02

(Missing Parts)

DATE OF O.A.: 04/02/02

Rec'd in the U.S.P.T.O. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # UNIU56.001AUS A/N: 10/079,077 Filed: 02/19/02Applicant: K. Tenma, et al. Atty:K. AraiTitle: SUPPORTING DEVICE FOR NON-AVERAGED FORCEVERIFIED BY: Asst: H. Isetani Quality Control: 15

Transmittal Letter ~~Request for~~ Preliminary Amendment in _____ pgs.
 Copy of Notice of Missing Requirements Copy of Original Specification and
 Decl. and Power of Attorney Drawings
 Decl. by Inventor(s)
 Power of Atty. by Assignee; Copy of Assignment
 Ext. of Time Requested
 Small Entity Statement(s)
 Letter Requesting Refund in dupl.
 \$ 65.00 Check for Filing Fee
 Information Disclosure Statement; PTO 1449 w/ 1 Ref(s).
 Certified copy of Japanese Patent Application Nos.
 Return Postcard 2001-042868 2001-301225 and 2001-301297,
filed 2/20/01, 9/28/01 and 9/28/01
respectively.



PATENT

Case Docket No. UNIU56.001AUS

Date: April 30, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Katsutoshi Tenma, et al.

) I hereby certify that this correspondence and all marked
attachments are being deposited with the United States
Postal Service as first class mail in an envelope addressed
to: United States Patent and Trademark Office, P.O. Box
2327, Arlington, VA 22202, on

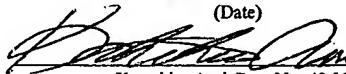
App. No. : 10/079,077

April 30, 2002

Filed : February 19, 2002

(Date)

For : SUPPORTING DEVICE FOR
NON-AVERAGED FORCE


Katsuhiko Arai, Reg. No. 43,315

Group Art Unit : 3632

)

TRANSMITTAL LETTER

United States Patent and Trademark Office

P.O. Box 2327

Arlington, VA 22202

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on April 2, 2002, enclosed are:

- (X) An executed Declaration by Inventors.
- (X) A Power of Attorney Form and Copy of Assignment.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) A certified copy of Japanese Patent Application Nos. 2001-042868, 2001-301225 and 2001-301292, filed February 20, 2001, September 28, 2001 and September 28, 2001 respectively.
- (X) Information Disclosure Statement; PTO-1449 with one (1) reference.
- (X) A Notice to File Missing Parts.
- (X) Return prepaid postcard.
- (X) Fees as calculated below:

PATENT

Case Docket No. UNIU56.001AUS

Date: April 30, 2002

SURCHARGE 37 CFR 1.16(e) \$ + 130

REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY.

Note 37 CFR 1.9, 1.27, 1.28. If applicable, verified statement must be attached. \$ - 65

TOTAL FEES SUBMITTED HEREWITH \$ 65

(X) A check in the amount of \$65.00 to cover the above fees is enclosed.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



Katsuhiro Arai
Registration No. 43,315
Agent of Record